

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**CIVIL CONFERENCE  
MINUTE ORDER**

BEFORE: A. KATHLEEN TOMLINSON  
U.S. MAGISTRATE JUDGE

DATE: 12-8-2017  
TIME: 12:20 p.m. (12 minutes)

*Castillo, et al. v. Perfume Worldwide Inc., et al.*  
**CV 17-2972 (JS)(AKT)**

TYPE OF CONFERENCE: **TELEPHONE STATUS CONFERENCE**

APPEARANCES: Plaintiff Steven John Moser  
Defendant Jacques Catafago

FTR: 12:20-12:32

**SCHEDULING:**

This case is set down for a Telephone Conference on June 12, 2018 at 10:00 a.m. Attorney Moser is requested to initiate the call to Chambers at 631-712-5760 with opposing counsel on the line.

**THE FOLLOWING RULINGS WERE MADE:**

1. After hearing from counsel today, it is clear to the Court that the parties are not prepared to proceed to mediation at this juncture. Therefore, the Court is putting this case back on track for discovery.
2. Counsel will serve their respective discovery demands by December 22, 2017. Responses to those demands must be served no later than January 30, 2018.

Between February 1 and February 14, 2018, counsel shall conduct a good faith meet-and-confer to resolve any objections which were raised regarding the discovery responses. To the extent there are any unresolved issues after that date, the Court is setting a deadline of March 2, 2018 for the filing of any motions seeking Court intervention on the disputed responses. Any issues not raised by the March 2, 2018 deadline will be deemed waived by the Court.

Local Rule 37.1 states that

Upon any motion or application involving discovery or disclosure requests or responses under Fed. R. Civ. P. 37, the moving party shall specify and quote or set forth verbatim in the motion papers each discovery request and response to which the motion or application is addressed. The motion or application shall also set forth the grounds upon which the moving party is entitled to prevail as to each request or response. Local Civil Rule 5.1 also applies to the motion or application.

Local Civil Rule 37.1. *See also* Local Rule 5.1. Therefore, to comply with these Rules, the movant must first list verbatim the document request or interrogatory which was served on opposing counsel, followed directly by opposing counsel's verbatim response to the individual

request, followed immediately by the particularized objection(s) counsel is raising and the basis for the objections (*i.e.*, why the response is objectionable, deficient, non-responsive, etc.). Counsel is expected to refer to relevant case law to support his/her position/objection as to the respective discovery demand. The case law is not to be relegated to a separate section where the Court has to keep referring back to ascertain the legal support for each objection.

For motions filed pursuant to Rule 37.1, the Court's general three-page limitation on letter motions is waived.

3. After hearing from counsel as to the depositions which will be needed in this case, the Court is setting a deadline of May 31, 2018 for completion of all fact discovery.
4. Plaintiffs' counsel brought to the Court's attention that defendant says interposed and "advice of counsel" defense. Plaintiffs' counsel may wish to take the attorney's deposition and some issues may arise in that regard.
5. Plaintiffs' counsel also brought up his desire to file a motion for class certification and an early date. I advised counsel that the motion for class certification is returnable before Judge Seybert and that he should refer to her Individual Rules to determine if a pre-motion conference is necessary. If not, then the attorneys should work out at briefing schedule to submit for the Court's approval.
6. The Court is setting a telephone conference for June 12 to assess the status of the case and to put in place the remaining deadlines to complete pre-trial tasks.

**SO ORDERED**

/s/ A. Kathleen Tomlinson  
A. KATHLEEN TOMLINSON  
U.S. Magistrate Judge